

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

7-ELEVEN, INC.,

Plaintiff,

VS.

PUERTO RICO-7, INC., THE MATTERA
RESERVE, INC., and JOHN MATTERA,

Defendants.

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CASE NO. 3:08-CV-140-B

MOTION TO DISMISS THE AMENDED COUNTERCLAIM

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, the plaintiff/counterclaim defendant 7-Eleven, Inc. moves to dismiss the amended counterclaim for failure to plead fraud with sufficient particularity.

Respectfully submitted,

/s/

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July 21, 2008